IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 10049 of 2004

Between:

Sri Ramakrishna Rice Mill, Maddurupadu, Kavali Mandal,Nellore Dist.

..... PETITIONER

AND

1 The Asst. Provident Fund Commissioner, 1/30, R.S.Road, Kadapa.
2 The Recovery officer, office of the Recovery officer, Employees Provident Fund Organization, Sub-Regional office, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of certiorari calling for the records from the 1st respondent in No.AP/ CP/SRO/Enf-NLR/SRO/CDP/ 2003/2248, and No.AP/CP/34487/Enf-2/Nlr/SHO/ CDP/2003/2249,, dt.13-8-2003 and examine the records and set aside the impugned orders bearing No.AP/CP/SRO/Enf-NLR/SRO/CDP/2003/2248 and No.AP/ CP34487 / Enf-2/Nlr/SHO/CDP/2003/2249, dt.13-8-2003 and demand notice No.AP/34487/SRO/NLR/R.O.RECY/2004-05/203, dt.17-5-2004 as arbitrary, illegal unjust and violative of principles of natural justice and Articles 14 and 19(1) (g) of Constitution of India.

For the Petitioner: MR.M.VENKATA NARAYANA, Advocate

For the Respondents: MR.R.N.REDDY, Standing Counsel

The Court made the following :

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ORDER

Against the order dt. 13-8-2003 passed by the second respondent under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act"), the petitioner filed an appeal before the Employees Provident Fund Appellate Tribunal, New Delhi along with an application to condone delay and also an application for waiver of depositing of 75% of the amount determined by the first respondent as per proviso to section 7(o) of the Act and stay the consequential order dt. 13-8-2003 and notice of demand dt. 17-5-2004 issued by the second respondent. Since the appellate tribunal is not functioning, no orders could be passed on the stay application.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent-Organization and both of them requested the court to pass similar orders as were passed earlier.

Accordingly, on petitioner depositing 50% of the demanded amount as per the notice of demand dt. 17-5-2004 within six weeks from today, no coercive steps can be taken for recovery of the amount under the said notice. On production of the evidence of deposit before the Tribunal, the Tribunal shall decide the appeal without further insisting for deposit of 75% of the demanded amount. The amount so deposited will be subject to further orders that may be passed in the appeal. In default of such deposit of the amount, the respondents are at liberty to proceed further for due recovery of the amount.

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With the above directions, the writ petition is accordingly disposed of. No costs.

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A.GOPAL REDDY,J

Dt. 28-10-2004

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To

1 The Asst. Provident Fund Commissioner, 1/30, R.S.Road, Kadapa.
2 The Recovery officer, office of the Recovery officer, Employees Provident Fund Organization, Sub-Regional office, Kadapa.

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